

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

SANDRA NJOS,
Plaintiff,

VS.

ROCKFORD HEALTH SYSTEM, an Illinois
not-for-profit Corporation, ROCKFORD
MEMORIAL HOSPITAL, an Illinois
not-for-profit Corporation, ROBERT
ESCARZA, M.D., & RHONDA
CASAVANT, R.N.
Defendants.

[illegible]

NO. 07 C 50213

Judge Philip G. Reinhard
Magistrate P. Michael Mahoney

DEFENDANTS DEMAND TRIAL BY JURY

DEFENDANTS' ANSWER TO THIRD AMENDED COMPLAINT AT LAW

NOW COME the Defendants, ROCKFORD HEALTH SYSTEM, ROCKFORD
MEMORIAL HOSPITAL, ROBERT ESCARZA, M.D., and RHONDA CASAVANT, R.N.,
by and through their attorneys, GUMMERSON & RAUSCH, LLC, and for their Answer
to Third Amended Complaint at Law, state as follows:

1. The Defendants have insufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 1 of the Third Amended Complaint at Law regarding the citizenship of the Plaintiff and, therefore, deny same. The Defendants admit that each Defendant is a citizen of the State of Illinois. The Defendants deny the legal conclusion that diversity of citizenship is met.

2. The Defendants deny that Rockford Health System has its principal place of business at 2400 North Rockton Avenue or 2300 North Rockton Avenue, Rockford, Illinois. The Defendants affirmatively stage that Rockford Health System is located at 2350 N. Rockton Avenue, Rockford, Illinois.

3. The Defendants admit the allegations in paragraph 3 of the Third Amended Complaint at Law.

4. The Defendants admit that ROBERT ESCARZA, M.D. is a citizen of the state of Illinois, that he provides emergency medicine physician services within the State of Illinois at his principal place of business at Rockford Memorial Hospital, Rockford, Illinois, and that he attended to the Plaintiff at 2400 North Rockton Avenue, Rockford, Illinois. The Defendants deny that ROBERT ESCARZA, M.D. provides emergency medicine physician services at Rockford Memorial Health System, and deny the existence of any such entity.

5. The Defendants admit that RHONDA CASAVANT, R.N. is a citizen of the state of Illinois, that she provides emergency nursing services within the State of Illinois at her principal place of business at Rockford Memorial Hospital, Rockford, Illinois, and that she attended to the Plaintiff at 2400 North Rockton Avenue, Rockford, Illinois. The Defendants deny that RHONDA CASAVANT, R.N. provides emergency nursing services at Rockford Health System.

6. The Defendants deny the legal conclusions reached in paragraph 6 of the Third Amended Complaint at Law. The Defendants admit that the corporate defendants, ROBERT ESCARZA, M.D. and RHONDA CASAVANT, R.N. are citizens of the State of Illinois.

7. The Defendants admit that ROBERT ESCARZA, M.D. was at all times pertinent hereto an employee of ROCKFORD MEMORIAL HOSPITAL. The Defendants deny the remaining allegations in paragraph 7 of the Third Amended Complaint at Law.

8. The Defendants deny the allegations in paragraph 8 of the Third

Amended Complaint at Law.

9. The Defendants admit that RHONDA CASAVANT, R.N. was at all times pertinent hereto an employee of ROCKFORD MEMORIAL HOSPITAL. The Defendants deny the remaining allegations in paragraph 9 of the Third Amended Complaint at Law.

10. The Defendants deny the allegations in paragraph 10 of the Third Amended Complaint at Law.

11. The Defendants admit that on October 31, 2005 SANDRA NJOS was a patient at ROCKFORD MEMORIAL HOSPITAL emergency department. The Defendants deny the remaining allegations in paragraph 11 of the Third Amended Complaint at Law.

12. The Defendants admit the allegations in paragraph 12 of the Third Amended Complaint at Law.

13. The Defendants admit the allegations in paragraph 13 of the Third Amended Complaint at Law.

14. The Defendants admit that RHONDA CASAVANT, R.N. recorded notations in the medical records of SANDRA NJOS. The Defendants deny that the allegations contained within paragraph 14 are complete recitations of the notations within the medical record. Further, the medical record of SANDRA NJOS is a written document which speaks for itself.

15. The Defendants deny the allegations in paragraph 15 of the Third Amended Complaint at Law.

16. The Defendants admit the allegations in paragraph 16 of the Third Amended Complaint at Law.

17. The Defendants admit the allegations in paragraph 17 of the Third Amended Complaint at Law.

18. The Defendants admit that ROBERT ESCARZA, M.D. relied in part on the laboratory results in forming a diagnosis of the Plaintiff in this matter.

19. The Defendants admit that ROBERT ESCARZA, M.D. recorded notations in the medical records of SANDRA NJOS. The Defendants deny that the allegations contained within paragraph 19 are complete recitations of the notations within the medical record. Further, the medical record of SANDRA NJOS is a written document which speaks for itself.

20. The Defendants deny that the allegations contained within paragraph 20 are complete recitations of the medical record. Further, the medical record of SANDRA NJOS is a written document which speaks for itself.

21. The Defendants deny that the allegations contained within paragraph 21 are complete recitations of the medical record. Further, the medical record of SANDRA NJOS is a written document which speaks for itself.

22. The Defendants deny the allegations in paragraph 22 of the Third Amended Complaint at Law.

23. The Defendants admit the allegations in paragraph 23 of the Third Amended Complaint at Law.

24. The Defendants deny the allegations in paragraph 24 of the Third Amended Complaint at Law.

25. The Defendants admit that ROBERT ESCARZA, M.D. recorded notations in the medical records of SANDRA NJOS. The Defendants deny that the allegations contained within paragraph 25 are complete recitations of the notations within the

medical record. Further, the medical record of SANDRA NJOS is a written document which speaks for itself.

26. The Defendants have insufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 26 of the Third Amended Complaint at Law.

27. The Defendants have insufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 27 of the Third Amended Complaint at Law.

COUNT I

The answer to Count I is on behalf of ROCKFORD HEALTH SYSTEM only. ROCKFORD MEMORIAL HOSPITAL, ROBERT ESCARZA, M.D., and RHONDA CASAVANT, R.N. make no answer to Count I of Complaint at Law inasmuch as said count is not directed to them.

28. The Defendant, ROCKFORD HEALTH SYSTEM, repeats and re-alleges the answers to paragraphs 1-27 of the common facts as if set forth fully herein as for the answer to this paragraph 28.

29. The Defendant, ROCKFORD HEALTH SYSTEM, denies the allegations in paragraph 29 of the Third Amended Complaint at Law.

30. The Defendant, ROCKFORD HEALTH SYSTEM, denies the allegations in paragraph 30 of the Third Amended Complaint at Law including subparagraphs a-i inclusive.

31. The Defendant, ROCKFORD HEALTH SYSTEM, denies the allegations in paragraph 31 of the Third Amended Complaint at Law.

32. The Defendant, ROCKFORD HEALTH SYSTEM, denies the allegations in paragraph 32 of the Third Amended Complaint at Law.

WHEREFORE, the Defendant, ROCKFORD HEALTH SYSTEM, requests that Count I of Plaintiff's Third Amended Complaint at Law be dismissed and that costs be assessed against the Plaintiff.

COUNT II

The answer to Count II is on behalf of ROCKFORD MEMORIAL HOSPITAL only. ROCKFORD HEALTH SYSTEM, ROBERT ESCARZA, M.D., and RHONDA CASAVANT, R.N. make no answer to Count II of Complaint at Law inasmuch as said count is not directed to them.

33. The Defendant, ROCKFORD MEMORIAL HOSPITAL repeat and re-allege the answers to paragraphs 1-27 of the common facts as if set forth fully herein as for the answer to this paragraph 33.

34. The Defendant, ROCKFORD MEMORIAL HOSPITAL, denies the allegations in paragraph 34 of the Third Amended Complaint at Law.

35. The Defendant, ROCKFORD MEMORIAL HOSPITAL, denies the allegations in paragraph 35 of the Third Amended Complaint at Law including subparagraphs a-i inclusive.

36. The Defendant, ROCKFORD MEMORIAL HOSPITAL, denies the allegations in paragraph 36 of the Third Amended Complaint at Law.

37. The Defendant, ROCKFORD MEMORIAL HOSPITAL, denies the allegations in paragraph 37 of the Third Amended Complaint at Law.

WHEREFORE, the Defendant, ROCKFORD MEMORIAL HOSPITAL, requests

that Count II of Plaintiff's Third Amended Complaint at Law be dismissed and that costs be assessed against the Plaintiff.

COUNT III

The answer to Count III is on behalf of ROBERT ESCARZA, M.D. only. ROCKFORD HEALTH SYSTEM, ROCKFORD MEMORIAL HOSPITAL, and RHONDA CASAVANT, R.N. make no answer to Count III of Complaint at Law inasmuch as said count is not directed to them.

38. The Defendant, ROBERT ESCARZA, M.D., repeats and re-alleges the answers to paragraphs 1-27 of the common facts as if set forth fully herein as for the answer to this paragraph 38.

39. The Defendant, ROBERT ESCARZA, M.D., denies the allegations in paragraph 39 of the Third Amended Complaint at Law.

40. The Defendant, ROBERT ESCARZA, M.D., denies the allegations in paragraph 40 of the Third Amended Complaint at Law including subparagraphs a-i inclusive.

41. The Defendant, ROBERT ESCARZA, M.D., denies the allegations in paragraph 41 of the Third Amended Complaint at Law.

42. The Defendant, ROBERT ESCARZA, M.D., denies the allegations in paragraph 42 of the Third Amended Complaint at Law.

WHEREFORE, the Defendant, ROBERT ESCARZA, M.D., requests that Count III of Plaintiff's Third Amended Complaint at Law be dismissed and that costs be assessed against the Plaintiff.

COUNT IV

The answer to Count IV is on behalf of RHONDA CASAVANT, R.N. only. ROCKFORD HEALTH SYSTEM, ROCKFORD MEMORIAL HOSPITAL, and ROBERT ESCARZA, M.D. make no answer to Count IV of Complaint at Law inasmuch as said count is not directed to them.

43. The Defendant, RHONDA CASAVANT, R.N., repeats and re-alleges the answers to paragraphs 1-27 of the common facts as if set forth fully herein as for the answer to this paragraph 43.

44. The Defendant, RHONDA CASAVANT, R.N., denies the allegations in paragraph 44 of the Third Amended Complaint at Law.

45. The Defendant, RHONDA CASAVANT, R.N., denies the allegations in paragraph 45 of the Third Amended Complaint at Law including subparagraphs a-i inclusive.

46. The Defendant, RHONDA CASAVANT, R.N., denies the allegations in paragraph 46 of the Third Amended Complaint at Law.

47. The Defendant, RHONDA CASAVANT, R.N., denies the allegations in paragraph 47 of the Third Amended Complaint at Law.

WHEREFORE, the Defendant, RHONDA CASAVANT, R.N., requests that Count IV of Plaintiff's Third Amended Complaint at Law be dismissed and that costs be assessed against the Plaintiff.

GUMMERSON & RAUSCH, LLC,
Attorneys for ROCKFORD HEALTH SYSTEM,
ROCKFORD MEMORIAL HOSPITAL, ROBERT
ESCARZA, M.D., and RHONDA CASAVANT, R.N.

/s/ Tom E. Rausch

THE DEFENDANTS, ROCKFORD HEALTH SYSTEM, ROCKFORD MEMORIAL HOSPITAL, ROBERT ESCARZA, M.D., and RHONDA CASAVANT, R.N., DEMAND TRIAL BY TWELVE (12) JURORS.

GUMMERSON & RAUSCH, LLC,
Attorneys for ROCKFORD HEALTH SYSTEM,
ROCKFORD MEMORIAL HOSPITAL, ROBERT
ESCARZA, M.D., and RHONDA CASAVANT, R.N.

/s/ Tom E. Rausch

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